

FI-18486

LAW OFFICE  
**THOMAS F. MCFARLAND, PC.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

December 21, 2010

By e-filing

Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

Re: STB Docket No. AB-384 (Sub-No. 3X), *Delta Southern Railroad, Inc.* --  
*Abandonment Exemption -- in Desha and Chicot Counties, AR*

Dear Ms. Brown:

Hereby transmitted is a copy of a series of environmental and historic comments in the above proceeding submitted in behalf of the Technical Review Committee (the Committee) of the Arkansas Natural Resources Commission.

The Committee supports the proposed abandonment. As stated in the cover letter signed by the Arkansas State Clearinghouse, the Committee's support of the proposed abandonment represents the position of the State of Arkansas.

Included in the series of comments is one signed by the Arkansas Deputy State Historic Preservation Officer (SHPO) stating that the SHPO has no objection to the proposed abandonment, and finding that the proposed abandonment will have no adverse effect on historic properties.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Delta Southern Railroad, Inc.*

*TMcf:kl:enc:wp8.0\1462-A\efstb1*

cc: Eric Hocky, Esq., *by e-mail*  
Mr. William Wainright, *by fax*



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 330  
Post Office Box 8031  
Little Rock, Arkansas 72203-8031  
Phone: (501) 682-1074  
Fax: (501) 682-5206  
<http://www.arkansas.gov/dfa/igs>

1462-A

December 16, 2010

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DEC 20 2010

Mr. Thomas F. McFarland  
Attorney for Delta Southern Railroad, Inc.  
Law Office of Thomas F. McFarland, P.C.  
208 South LaSalle St., Suite 1890  
Chicago, IL 60604-1112

McFARLAND, P.C.

RE: DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
Delta Southern Railroad, Inc.  
Abandonment Exemption – Desha and Chicot Counties  
Docket #AB-384 (Sub #3X)

Dear Mr. McFarland:

The State Clearinghouse has received the above document pursuant to the Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to members of the Arkansas Technical Review Committee. Resulting comments received from the Technical Review Committee which represents the position of the State of Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the Arkansas Project Notification and Review System.

Sincerely,

Tracy L. Copeland, Manager  
State Clearinghouse

TLC/nd  
Enclosure  
CC: J. Randy Young



# Arkansas Natural Resources Commission



J. Randy Young, PE  
Executive Director

101 East Capitol, Suite 350  
Little Rock, Arkansas 72201  
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611  
Fax: (501) 682-3991  
E-mail: [anrc@arkansas.gov](mailto:anrc@arkansas.gov)

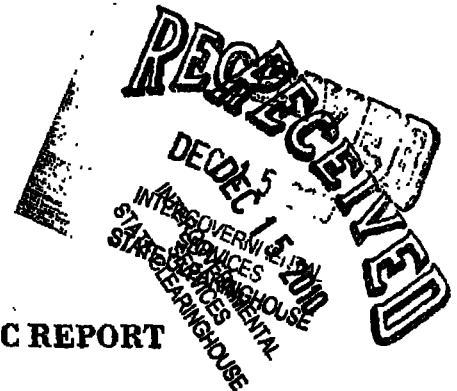
Mike Beebe  
Governor

## MEMORANDUM

**TO:** Mr. Tracy Copeland, Manager  
State Clearinghouse

**FROM:** Mr. J. Randy Young, P.E., and Chairman  
Technical Review Committee

**SUBJECT:** DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
Delta Southern Railroad, Inc.  
Abandonment Exemption – Desha and Chicot Counties  
Docket #AB-384 (Sub #3X)



**DATE:** December 13, 2010

Members of the Technical Review Committee have reviewed the above referenced project; the Rail Line was constructed by Missouri Pacific Railroad Company between 1907 and 1915. Missouri Pacific was merged into Union Pacific Railroad Company. Union Pacific sold the Rail Line to Delta Southern Railroad, Inc. in January 1989. Delta Southern Railroad intends to file with the Surface Transportation Board a Petition of Exemption for abandonment of a 24.1-mile rail line between Milepost 408.9 at or near McGehee and Milepost 433.0 at or near Lake Village, in Desha and Chicot Counties, Arkansas. In the event of abandonment, the track materials in the Rail Line would be removed and sold for reuse, rerolling, or scrap, and the land in the right-of-way would be sold for nonrail used or conveyed for railbanking and interim recreational trail use. Maintenance of the Rail Line would cease in the event of abandonment. Delta believes that abandonment of the Rail Line will have a minimal effect on regional or local transportation systems and patterns. Only 81 carloads were transported over the Rail Line during 2009. The proposed abandonment would have no effect on prime agricultural land. The proposed abandonment does not affect land or water uses in a designated coastal zone. The proposed exemption and the resulting abandonment will have a beneficial effect on public health and safety because existing rail crossings of public streets and private driveways would be removed. The proposed exemption is unlikely to adversely affect endangered or threatened species or areas designated as critical habitat.

### The Committee supports this project.

Agency comments are included for your review.

The opportunity to comment is appreciated.

JRY/ddavis



**The Department of  
Arkansas  
Heritage**

Mike Beebe  
Governor

Cathie Matthews  
Director

Arkansas Arts Council

Arkansas Natural Heritage  
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars  
Cultural Center

Old State House Museum



**Arkansas Historic  
Preservation Program**

1500 Tower Building  
323 Center Street  
Little Rock, AR 72201  
(501) 324-9880  
fax: (501) 324-9184  
tdd: (501) 324-9811

e-mail:

[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

website:

[www.arkansaspreservation.com](http://www.arkansaspreservation.com)

An Equal Opportunity Employer



November 23, 2010

Mr. Thomas F. McFarland  
Law Office of Thomas F. McFarland, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, Illinois 60604-1112

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NOV 29 2010

INTERGOVERNMENTAL  
SERVICES  
STATE CLEARINGHOUSE

RE: Multi County - Lake Village  
Section 106 Review - STB  
Delta Southern Railroad Line Abandonment between Mile 408.9 and  
433.0 near Lake Village; STB Docket No. AB-384 (Sub-No. 3X)  
AHPP Tracking No: 74429

Dear Mr. McFarland:

This letter is written in response to your inquiry regarding properties of architectural, historical, or archeological significance in the area of the referenced project. My staff has reviewed the documentation regarding the above-referenced undertaking, and our records show that six archeological sites (3CH134, 3CH151, 3CH152, 3CH153, 3CH154 and 3DE134) and three historic structures (CH0016 - Missouri Pacific Railroad Depot, CH0059 - New Hope Missionary Baptist Church Cemetery and CH0179 - Epstein Gin) are located near the subject project but will not be affected by the proposed abandonment. Therefore, we have no objection to this undertaking and find that it will have no adverse effect on historic properties.

Thank you for the opportunity to comment on this undertaking. If you have any questions, please contact Steve Imhoff of my staff at (501) 324-9880.

Sincerely,

*Frances McSwain*

Frances McSwain

Deputy State Historic Preservation Officer

cc: Mr. Earl J. Barbry, Tunica-Biloxi Tribe of Louisiana, Inc.  
Mr. Tracy L. Copeland, State Clearinghouse  
Dr. Ann M. Early, Arkansas Archeological Survey  
Ms. Jean Ann Lambert, Quapaw Tribe of Oklahoma  
Ms. Victoria Rutson, Surface Transportation Board

**Department of Finance  
and Administration**

1515 West Seventh Street, Suite 412  
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Little Rock, Arkansas 72203-8031  
Phone: (501) 682-1074  
Fax: (501) 682-5206  
<http://www.arkansas.gov/cfa/igs>

**MEMORANDUM**

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: November 9, 2010

SUBJECT: STB Docket No. AB-384 (Sub No. 3X) Delta Southern Railroad, Inc.  
Abandonment Exemption - in Desha and Chicot Counties, AR

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by November 24, 2010 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

If you have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is Imperative that your response be in to the Arkansas Natural Resources Commission (ANRC) office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ANRC at (501) 682-3830 or the State Clearinghouse Office.

☐ Support ☐ Do Not Support (Comments Attached)

☐ Comments Attached ☐ Support with Following Conditions

☒ No Comments ☐ Non-Degradation Certification Issues  
(Applies to ADEQ Only)

Name(print) JAMES L. NORTON Agency AR P&A Date 12 Nov 10

Telephone Number 501-296-1862



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

**Department of Finance  
and Administration**

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Fax: (501) 682-8208  
<http://www.arkansas.gov/dia/lgs>

**MEMORANDUM**

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse *#2459*

DATE: November 9, 2010

SUBJECT: STB Docket No. AB-384 (Sub No. 3X) Delta Southern Railroad, Inc.  
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<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input checked="" type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input checked="" type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) Teha Turner Agency ANRC Date 12-3-2010  
Telephone Number 501 682 1608



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

# Department of Finance and Administration

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Fax: (501) 682-5206  
<http://www.arkansas.gov/dfa/igs>

## MEMORANDUM

TO: All Technical Review Committee Members  
FROM: Tracy L. Copeland, Manager - State Clearinghouse  
DATE: November 17, 2010

*[Handwritten signature and number 2459]*

SUBJECT: **DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
DELTA SOUTHERN RAILROAD, INC. - ABANDONMENT EXEMPTION—  
IN DESHA AND CHICOT COUNTIES, AR - DOCKET NO. AB-384 (SUB-  
NO. 3X)**

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by November 30, 2010 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

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<input type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
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<input type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to ADEQ Only)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(print) \_\_\_\_\_ Agency \_\_\_\_\_ Date \_\_\_\_\_  
Telephone Number \_\_\_\_\_



STATE OF ARKANSAS

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**Department of Finance  
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**MEMORANDUM**

TO: All Technical Review Committee Members  
FROM: Tracy L. Copeland, ~~Manager~~ - State Clearinghouse  
DATE: November 17, 2010  
SUBJECT: **DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
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Name(print) William Prior Agency AGS Date 11-22-2010  
Telephone Number 683-0111





STATE OF ARKANSAS

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MEMORANDUM

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NOV 16 2010

River Basins

TO: All Technical Review Committee Members  
FROM: Tracy L. Copeland, Manager - State Clearinghouse  
DATE: November 17, 2010  
SUBJECT: DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
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(Applies to ADEQ Only)

Name(print) Robert K. Leonard Agency AGFE Date 11-17-10  
Telephone Number 978-7301



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

# Department of Finance and Administration

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DATE: November 17, 2010  
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DELTA SOUTHERN RAILROAD, INC. - ABANDONMENT EXEMPTION—  
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AHTD

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ENVIRONMENTAL  
DIVISION

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☐ Support

☐ Do Not Support (Comments Attached)

☐ Comments Attached

☐ Support with Following Conditions

☒ No Comments

☐ Non-Degradation Certification Issues  
(Applies to ADEQ Only)

Name(print) John Fleming Agency AHTD Date 11/23/10  
Telephone Number 564-2545



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

# Department of Finance and Administration

1515 West Seventh Street, Suite 412  
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## MEMORANDUM

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FROM: Tracy L. Copeland, Manager - State Clearinghouse

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SUBJECT: **DRAFT ENVIRONMENTAL AND HISTORIC REPORT  
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☒ No Comments ☐ Non-Degradation Certification Issues  
(Applies to ADEQ Only)

Name(print) JANE L. NORTON Agency AR. For com Date 2.2.11/10

Telephone Number 501-296-1867

**Department of Finance  
and Administration**

1615 West Seventh Street, Suite 412  
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Little Rock, Arkansas 72203-8031  
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**MEMORANDUM**

TO: All Technical Review Committee Members  
FROM: Tracy L. Copeland, Manager - State Clearinghouse  
DATE: November 9, 2010  
SUBJECT: STB Docket No. AB-384 (Sub No. 3X) Delta Southern Railroad, Inc.  
Abandonment Exemption - in Desha and Chicot Counties, AR

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(Applies to ADEQ Only)

Name(print) William Prior Agency AGS Date 11-16-2010  
Telephone Number 683-0117

**Debby Davis**

---

**From:** Jones, Steve [SJones@ArkansasEDC.com]

**Sent:** Friday, November 12, 2010 11:04 AM

**To:** Debby Davis

No Comment

Delta Southern Railroad Inc.

Steve Jones

Arkansas Economic Development Commission

11/16/2010

PAGE 08/11

ANRC

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12/15/2010 11:46



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

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☒ No Comments ☐ Non-Degradation Certification Issues  
(Applies to ADEQ Only)

Name(print) JAMES L. MORTIMER Agency AR F&A Comm Date 12 Nov 10  
Telephone Number 501-296-1862



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

# Department of Finance and Administration

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SUBJECT: STB Docket No. AB-384 (Sub No. 3X) Delta Southern Railroad, Inc.  
Abandonment Exemption - in Desha and Chicot Counties, AR

REC-117  
NOV 10 7:11 PM  
River Basins

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Name(print) Robert A. Leonard Agency AGFC Date 11-16-10  
Telephone Number 978-7301



STATE OF ARKANSAS

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☐ Support with Following Conditions

☒ No Comments

☐ Non-Degradation Certification Issues  
(Applies to ADEQ Only)

Name(print) John Fleming Agency AHTD Date 11/12/10  
Telephone Number 501-569-2595